

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

INTEGRATED STATE SIGNIFICANT DEVELOPMENT

**DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTIONS 76(A)9 & 80**

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 of the Environmental Planning and Assessment Act, 1979 (“the Act”) determine the development application (“the application”) referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are to:

- (i) minimise the adverse impact the development may cause through water and air pollution, noise and visual disturbance;
- (ii) provide for environmental monitoring and reporting; and
- (iii) set requirements for infrastructure provision.

Andrew Refshauge

Minister for Urban Affairs and Planning

ORIGINAL CONSENT SIGNED BY MINISTER REFSHAUGE 14 MAY 1999.

Sydney,

1999

File No. N91/00544

Schedule 1

Application made by:	Powercoal Pty Ltd (ACN 052 533 070) (“the Applicant”).
To:	The Minister for Urban Affairs and Planning (DA 73-11-98)
In respect of:	Land described in Appendix “1”.
For the following:	Extension of an underground coal mine, and upgrade of associated surface facilities (“the Development”).
BCA Classification:	Class 10(a) (conveyor coal reclaim system, train loading bin (Newstan Colliery); ventilation shaft, men and materials access shaft and winder housing (Awaba Colliery)).
NOTE:	1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act. 2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.

- 3) Section 97 of the Act confers on an Applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice.

23 September 2007 modification (DA73-11-98 MOD 1) shown in red type.

27 November 2009 modification (DA73-11-98 MOD 2) shown in blue type.

SCHEDULE 2

INDEX

	Page
1. General.....	2
2. Mine Management.....	4
3. Land and Site Environmental Management.....	6
4. Water Management.....	17
5. Hazardous Materials and Tailings Management.....	20
6. Air Quality, Blast, Noise and Light Management.....	21
7. Transport and Utilities.....	26
8. Monitoring/Auditing.....	27
9. Reporting.....	33
10. Community Consultation/Obligations.....	35
11. Proponents Obligations.....	36
12. Further Approvals and Agreements.....	43

DEFINITIONS:

AEMR - Annual Environmental Management Report

CCC - Community Consultative Committee

DA - Development Application

DA area - Development Application area as shown in Appendix 1 and Figure 1 of Appendix 2

Director-General - Director-General of the Department of Planning or delegate.

EIS - Environmental Impact Statement

LEA - Life Extension Area of Newstan mine as shown in the EIS

Minister – Minister for Planning, or delegate

SEE – Statement of Environmental Effects

SMP – Subsidence Management Plan

Surface facilities – Northern Reject Emplacement Area, Southern Reject Emplacement Area, new coal stockpile areas and Rail Loading Facilities (Newstan Colliery), and Ventilation and Men and Materials Access Shafts (Awaba Colliery).

Section 138 – section 138 of the Coal Mine Regulation Act, 1982

Relevant Area – relevant area of surface facilities

Safe, serviceable and repairable criteria – Category 3 to 5 for strain and/or category C or D for tilt, in accordance with Australian Standard AS2870-1996

Government Authorities

DECCW - Department of Environment, Climate Change and Water

DII - Department of Industry and Investment

LMCC - Lake Macquarie City Council

MSB - Mine Subsidence Board

NOW – DECCW's Office of Water

RTA - Roads and Traffic Authority

1. General

There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.

1.1 Terms of Approval

The Applicant shall carry out the development generally in accordance with the:

- (a) DA 73-11-98;
- (b) EIS titled "*Newstan Colliery Life Extension Project*", dated November 1998;
- (c) SEE titled "*Newstan Colliery Modifications to Development Consent*", dated April 2007;
- (d) the modification application DA 73-11-98 – MOD 2 and accompanying Environmental Assessment entitled *Washing of Mandalong Coal at Newstan Section 96(1A) Application Statement of Environmental Effects*, dated October 2009; and
- (e) the conditions of this consent.

If there is any inconsistency between the above documents, the latter document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

1.2 Period of Approval/Project Commencement

- (i) The approval for mining is for a period of 21 years from the date of granting of a mining lease pursuant to this consent. If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of existing environmental management measures to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.
- (ii) At least one month prior to the commencement of: construction of each of the surface facilities; and secondary workings within the LEA, or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all the relevant conditions that apply prior to the commencement of construction of each of the surface facilities; and secondary workings within the LEA.
- (iii) Date of commencement of construction of each of the surface facilities and date of commencement of first and secondary workings in the LEA is to be notified in writing to the Director-General and LMCC, at least two weeks prior to commencement of the surface construction works, and underground mining in the LEA respectively.

1.3 Dispute Resolution

In the event that the Applicant and the LMCC or a Government agency, other than **the Department**, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

1.4 Security Deposits and Bonds

Security deposits and bonds will be paid as required by **DII** under mining lease approval conditions.

2. Mine Management

2.1 Deleted

2.2 *Limits on Production or Hours of Operation*

The operation of bulldozers on the northern and southern reject emplacement areas shall occur only during daylight hours.

3. Land and Site Environmental Management

3.1 Appointment of Environmental Officer

- (i) The Applicant shall employ a suitably qualified Environmental Officer throughout the life of the mine, whose qualifications are acceptable to the Director-General and who shall report to the Mine Manager. The Officer will:
 - (a) be responsible for the preparation of the environmental management plans (refer condition 3.2);
 - (b) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
 - (c) be responsible responding to complaints in accordance with condition 10.2(a);
 - (d) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities; and
 - (e) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.
- (ii) The Applicant shall notify the Director-General, [DII](#), [DECCW](#), [NOW](#), LMCC and the CCC (refer condition 8.8) of the name and contact details of the Environmental Officer upon appointment and any changes to that appointment.

3.2 Environmental Management Strategies and Plans

- (a) The Applicant shall prepare an Environmental Management Strategy as a continuation of the existing Newstan Colliery Environmental Management System for the DA area including within the [LEA and all proposed surface facilities](#). The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee and to the satisfaction of the Director-General, prior to commencement of construction of surface facilities or secondary workings, whichever is the sooner.
- (b) The Environmental Management Strategy shall include:
 - (i) statutory and other obligations which the Applicant is required to fulfill during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;
 - (iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;
 - (iv) overall ecological and community objectives for the water catchment, and a strategy for the restoration and management of the areas of the catchment affected by mining operations, including elements such as

- wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;
- (v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;
 - (vi) overall objectives and strategies to protect existing economic productivity within the area affected by mining, including agricultural productivity and other businesses;
 - (vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;
 - (viii) processes for conflict resolution in relation to the environmental management of the project; and
 - (ix) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.
- (c) The Applicant shall make copies of the Environmental Management Strategy available to LMCC, [DECCW](#), [NOW](#), [DII](#), MSB and the Community Consultative Committee within fourteen days of approval by the Director-General.
- (d) The Applicant shall also prepare the following environmental management plans:
- Archaeology and cultural management plan (refer condition 3.3)
 - Flora and fauna management plan (refer condition 3.4)
 - Erosion and sediment control plan (refer condition 3.5(a))
 - Soil stripping management plan (refer condition 3.5(c))
 - Landscape management plan (refer condition 3.7)
 - Bushfire management plan (refer condition 3.8)
 - Land management plan (refer condition 3.9(a))
 - Wetland management plan (refer condition 3.9 (c))
 - Site water management plan (refer condition 4.1)
 - Dust management plan (refer condition 6.1)
 - Noise management plan (refer condition 6.4(d))
- (e) The management plans are to be revised/updated at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. They will reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at LMCC within two weeks of approval of the relevant government authority.
- (f) If the applicant is unable to prepare the relevant environmental strategies and plans within the period required by these conditions of consent, prior to commencing relevant works within the area of LW15A, the applicant shall prepare specific management strategies and plans for the area of LW 15A prior to commencement of those works. The preparation, content and approval of the plans for the area of LW15A shall not otherwise be inconsistent with the requirements for the management strategies and plans set out in this consent.

3.3 Heritage Assessment and Management

- (A) The Applicant shall prior to construction of surface facilities or secondary workings within identified areas of archaeological sensitivity within the LEA:
- (i) Prepare an archaeology and cultural management plan which shall include, but not be limited to:
 - (a) identification of any future salvage, excavation, monitoring, and protection of any heritage and archaeological items, within the area of the surface facilities, particularly the waste emplacement and coal stockpile areas, Awaba Colliery, and the area within the LEA prior to and during development;
 - (b) measures to undertake test excavations along Lords Creek to verify the archaeological potential of those areas identified as having low archaeological sensitivity at least one year prior to finalisation of the route of channelisation or other proposed works along Lords Creek;
 - (c) details of proposed investigations of rockshelters and grinding groove sites identified as having potential to contain archaeological deposit to be undertaken prior to mining being undertaken in the vicinity of the identified sites. The investigation will include test excavations undertaken in accordance with a permit issued under section 87 of the National Parks and Wildlife Act 1974, under a research design which is acceptable to the Aboriginal community and [DECCW](#);
 - (d) measures to protect Aboriginal sites from subsidence and mine working impacts, in consultation with [DECCW](#), the Aboriginal community and local residents to ensure integration of measures to protect Aboriginal sites.
 - (e) identification and documentation of Aboriginal cultural heritage issues;
 - (f) details of a monitoring program to document the effects of subsidence and mining works on Aboriginal sites and areas of archaeological sensitivity.

The plan shall be prepared in consultation with [DECCW](#), the Local Aboriginal Land Council, LMCC, and to the satisfaction of the Director-General, and shall be considered by the Applicant when completing the final underground mine layout;

- (B) The Applicant shall:
- (i) submit to and have approved by the Director-General of [DECCW](#), a Consent to Destroy application under section 90 of the National Parks and Wildlife Act 1974 for Aboriginal archaeological sites that have been identified to be damaged or destroyed as a result of the development prior to this consent and/or by the archaeology and cultural management plan, prior to any disturbance of the identified sites by mining activity; and

- (ii) not undertake surface development works within the area of high archaeological sensitivity identified as the alluvial terrace along Lords Creek (within proposed Long Wall 42).
- (C) If, during the course of construction of any surface facilities, or mining in the LEA, the Applicant becomes aware of any heritage or archaeological material not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include [DECCW](#), the NSW Heritage Office, and the Local Aboriginal Land Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.
- (D) General Terms of Approval - [DECCW](#)

The Applicant shall invite the Koompahtoo Local Aboriginal Land Council to collect the identified isolated artefacts within the area of the proposed surface facilities prior to construction within the relevant area.

3.4 Flora and Fauna Assessment and Management

- (a) The Applicant shall prior to commencement of any construction works for surface facilities in the relevant area or secondary workings within the LEA, prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the areas of the proposed surface facilities and LEA. The Plan shall be prepared in consultation with [DECCW](#) and LMCC, and to the satisfaction of the Director-General, and shall include but not be limited to:
 - (i) a detailed assessment of the current characteristics and ecological values of existing ecosystems likely to be affected by the development;
 - (ii) strategies to minimise the net loss of ecologically significant vegetation communities within DA area as a result of the development, including the provision of compensatory areas of equivalent ecological and habitat value where necessary;
 - (iii) strategies to provide increased security for existing habitats and communities (including the strengthening of riparian communities, the management of *Tetratheca juncea* plants in the vicinity of the proposed surface facilities, particularly in and around the northern and southern reject emplacement areas), and LEA, and habitats of other threatened species such as the Squirrel Glider and Threatened Bat Species identified in the species impact statement;
 - (iv) strategies to manage the impact of surface water management, erosion and sediment control measures, and flooding mitigation measures on flora and fauna, including the impact of heavy machinery;
 - (v) details of monitoring the mine's impacts on native vegetation and threatened fauna and flora, and outline contingency measures should impacts be identified as occurring (refer also condition 8.5);
 - (vi) measures to monitor the impacts on threatened species populations shall address:

1. methods of clearing near existing vegetation and measures to protect existing vegetation from the edge effects. Consideration of buffers is essential, especially near drainage lines.
 2. measures to reduce sediment into drainage lines.
 3. subsidence impacts on *Tetratheca juncea* through a monitoring program. This program will be co-ordinated with a surveyed and levelled line to determine drops in the terrain, following mine subsidence;
 4. development of a program to specifically monitor the success or otherwise of proposed ameliorative measures in relation to the threatened flora and fauna species over five years from the commencement of construction in the relevant area. The monitoring is to be undertaken by experienced Botanist(s)/ Zoologist(s). Annual progress reports and a final report outlining the implementation and success or otherwise of the ameliorative measures shall be included in the AEMR during the monitoring period.
- (vii) measures to maintain trees with denning hollows for the protection of threatened arboreal fauna species such as the Squirrel Glider and small Bats. In the event that trees and/or nesting value relevant to these species are felled and tree hollows relocated to augment habitat, and/or in the event that individual animals are captured and relocated during construction, this work shall be undertaken by a Zoologist with knowledge and experience in the implementation of such ameliorative techniques for these species;
- (viii) a large scale plan showing quadrat number locations for *Tetratheca juncea* together with a table showing sub-population sizes and their relevant co-ordinates. In particular, this information is required where populations will be lost by the Northern and Southern Reject Emplacement Areas;
- (ix) strategies to maintain and enhance wildlife corridors around and through the site for the movement of fauna particularly for arboreal mammals, small birds, and squirrel gliders.
- (x) development of a protocol for identifying and managing significant impacts on any threatened flora and fauna species not identified in the EIS, during development through construction or **operation** of the coal mine.
- (b) **Deleted.**
- (c) The Applicant shall not disturb the *Tetratheca juncea* population within the area identified as “common” in figure 7 of the species impact statement, which is close to the northern reject emplacement area boundary.
- (d) The Applicant shall implement the ameliorative measures for *Tetratheca juncea*, Squirrel Glider, and Threatened Bat Species identified in sections 11.1 and 11.2 of the species impact statement.
- (e) Any fencing of native vegetation which is to be retained shall not consist of barbed wire fencing.

3.5 Prevention of Soil Erosion

- (a) The Applicant shall prepare Erosion and Sediment Control Plans for the surface facilities, particularly the waste reject emplacement areas, and the LEA in consultation with LMCC and to the satisfaction of [NOW](#) and Director-General, and submit these Plans to the [DECCW](#) as part of applications for a licence under the Protection of the Environment Act. The Plans shall be prepared and implemented prior to the commencement of work in the relevant areas.
- (b) The Erosion and Sediment Control Plans shall include:
 - (i) consideration and management of erosion and sedimentation of surface watercourses/waterbodies, including LT Creek and all creeks within the LEA; and
 - (ii) consideration of LMCC's Erosion and Sediment Control Policy and Code of Practice.
 - (iii) a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved erosion and sediment control management plans, and EIS. (refer also condition (d) (i) below)
- (c) The Applicant shall also prepare a soil stripping management plan for the northern waste emplacement extension area and southern waste emplacement area to the requirements of [DII](#) which shall include, but not be limited to:
 - (i) details of the management of soil stockpiles, soil stripping techniques and scheduling; and
 - (ii) a program for reporting on the effectiveness of the soil stripping methods and performance against objectives contained in the soil stripping management plan, and EIS.
- (d) General Terms of Approval - [DECCW](#)
 - (i) *Stormwater/sediment Control - Construction Phase*

The Erosion and Sediment Control Plan (ESCP) in sub clause (a) above must also be prepared to describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be consistent with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction*, ([Landcom](#)), or most recent version of these guidelines.
 - (ii) *Stormwater/sediment Control- Operation Phase*

A Stormwater Management Scheme must be developed and implemented to mitigate the impacts of stormwater runoff from the site following the

completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment and the Water Management Plans in condition 4.1. Where a Stormwater Management Plan has not yet been prepared, the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the [DECCW](#)). The Scheme shall be prepared at the same time as the Water Management Plans in condition 4.1.

3.6 Site Rehabilitation Management

The Applicant shall carry out rehabilitation of all mine areas in accordance with the requirements of any Mining Lease.

3.7 Visual Amenity and Landscaping

- a) The Applicant shall, prior to the commencement of construction works in the relevant area, submit for the approval of LMCC a detailed landscape and revegetation management plan for the surface facility sites prepared by a suitably qualified person. The plan shall include, but not be limited to:
 - (i) details of the establishment of vegetation and the construction of mounding or bunding, for the purposes of maintaining satisfactory visual amenity, ecological functioning and habitat provision;
 - (ii) consideration of revegetation works along creeklines;
 - (iii) use of indigenous species;
 - (iv) details of the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications). Buildings and structures shall be designed and constructed so as to blend as far as possible with the surrounding landscape;
 - (v) details, specifications and staged work programs to be undertaken, including a maintenance program of all landscape works, building materials and cladding.

The landscaping and revegetation plan must be consistent with the Environmental Management Strategy (condition 3.2).

- b) The Applicant shall ensure that an undisturbed barrier of 50 metres be maintained between the eastern boundary of the property at 1 Fassifern Road, Wakefield, and the toe of the proposed Northern Reject Emplacement Area.

3.8 Bushfire and other Fire Controls

The Applicant shall:

- (a) provide adequate fire protection works on the sites of surface works in accordance with the Coal Mine Regulation Act, 1982; and
- (b) prior to commencement of construction of surface facilities/works prepare a bushfire management plan for all its holdings contained in the DA, particularly the southern waste emplacement area to the satisfaction of the LMCC.

3.9 Land Management

The Applicant shall:

- (a) prior to commencement of construction works in the relevant area prepare a Land Management Plan for the areas of the proposed surface facilities, and its holdings in the LEA, to provide for proper land management in consultation with DECCW, DII, and LMCC, and to the satisfaction of the Director-General . The plan shall include, but not be limited to:
 - (i) pastures and remnant vegetation management;
 - (ii) prevention and rehabilitation of land degradation;
 - (iii) eradication of vermin and noxious weeds as required by the Rural Lands Protection Authority, the Prickly Pear Authority and other relevant authorities;
 - (iv) feral animal control.
- (b) minimise the removal of trees and other vegetation from the proposed surface facilities, particularly the waste emplacement areas and proposed new coal stockpile areas, and restrict any clearance to the areas occupied by mine activity, buildings and paved surfaces, and those areas necessary for fire control in accordance with LMCC's requirements.
- (c) prepare and implement a Wetland Management Plan for all wetland areas affected by the surface facilities, particularly within the proposed southern reject emplacement area. The Plans shall be prepared in consultation with DECCW, DII and affected landowners, and to the satisfaction of LMCC, prior to surface construction works in the relevant area. The plan shall include, but not limited to, replacement of habitat and in creek storages for water flows as part of the restoration of the emplacement areas.

3.10 Subsidence Management Plan

Prior to carrying out any underground mining operations that could cause subsidence, the Applicant shall prepare a Subsidence Management Plan (SMP) to the satisfaction of the Director-General of DII. This plan must be prepared in accordance with the:

- (a) *New Approval Process for Management of Coal Mining Subsidence - Policy*; and
- (b) *Guideline for Applications for Subsidence Management Approvals* (or the latest versions or replacements of these documents).

3.11 Subsidence Protection

In preparing the SMP, the Applicant shall pay particular attention to assessing and managing the potential surface impacts on all areas of the proposed underground mining area where:

- (a) cover depths are less than 100 metres (not including any depth of alluvium);

- (b) overlying mine workings occur; or
- (c) surface infrastructure such as power line towers and Hawkmount Road occurs.

4. Water Management

4.1 Surface & Ground Water Management

The Applicant shall:

- (a) prior to the commencement of construction of each of the new surface facilities at Newstan Colliery, and prior to first workings within the LEA, prepare water management plans for the relevant developments, in consultation with [NOW](#), [DECCW](#), LMCC, and [DII](#) and to the satisfaction of the Director-General, which shall include, but not be limited to, the following matters:
 - (i) management of the quality and quantity of surface and ground water within the areas covered by the water management plans, which shall include preparation of monitoring programs as provided by condition 8.2.;
 - (ii) management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water; (refer also condition 3.5 (d) (ii)).
 - (iii) measures to prevent the quality of any surface waters being degraded below the relevant water quality prior to construction, particularly in LT Creek and all creeks within the LEA due to the operation of the mine workings;
 - (iv) investigation into opportunities to reduce the minewater discharge into LT Creek in consultation with the [DECCW](#) and include the results of such investigations in the Annual Environmental Management Report;
 - (v) identification of any possible adverse effects on water supply sources of surrounding land holders, as a result of the underground mining operations in the LEA and surface mine works, and implementation of mitigation measures as necessary;
 - (vi) identification of changes in flow of surface waters including all creeks within the LEA, particularly in Lord's Creek, due to subsidence, and LT Creek particularly due to the southern and northern waste emplacement areas and coal stockpiling areas;
 - (vii) identification of any stream rehabilitation works required to ameliorate subsidence effects on stream flows within Lords Creek;
 - (viii) contingency plans for managing adverse impacts of the development on surface and groundwater quality, including the matter in condition 4.1(d)(iv);
 - (ix) identification of the fresh quality groundwater resources within the project area, including the development of appropriate protection strategies;

- (x) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the affectof changes to groundwater quality and mobilisation of salts;
- (xi) a monitoring and remediation strategy for all streams which may be adversely affected by subsidence including bed fracturing and/or degradation of the stream channel. Where the monitoring indicates any adverse impacts due to mining, the company shall implement the remediation strategy to the satisfaction of [NOW](#).
- (xii) consideration of the State Wetlands Management Policy for all significant downstream wetlands that may be effected by mining activity within the LEA or the relevant area.
- (xiii) a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plans, and EIS;
- (b) implement remediation measures, to the satisfaction of [NOW](#), where the development is responsible for the loss of groundwater quality or quantity below its current beneficial use;
- (c) obtain a license with [NOW](#) under part 5 of the Water Act (1912) prior to construction of all new excavations, test bores and production bores (including dewatering bores) that intersect the groundwater.
- (d) General Terms of Approval - [NOW](#)

Pursuant to Part 2 of the Water Act, 1912:

- (i) the licensed works shall:
 - (a) be constructed in accordance with plans and specifications approved by [NOW](#);
 - (b) be constructed and maintained in a safe and proper manner;
 - (c) not impede or capture floodwater;
 - (d) not cause erosion or sedimentation of adjacent and downstream watercourses shall;
- (ii) ~~Deleted~~;
- (iii) an appropriate vegetative buffer zone shall be installed between the licensed works and any adjacent mining activities;
- (iv) groundwater and surface water quality monitoring shall be conducted, to the satisfaction of [NOW](#), in the vicinity of the licensed works. The monitoring program is to identify any degradation in water quality as a result of the works (also refer to condition 8.2(ii)). A contingency plan shall be developed, to the satisfaction of [NOW](#), to remediate any such degradation (also refer to condition 4.1(a)(ix)). A copy of the finding shall be submitted to LMCC.

(e) General Terms of Approval - [DECCW](#)

(i) Pollution of Waters

The licensee must design construct and operate all plant and equipment and any other facilities on the premises so as to minimise the pollution of waters.

(ii) Discharge Concentration Limits

The Applicant shall only discharge water from the development in accordance with the provisions of a current Environmental Protection Licence.

(iii) Wastewater Utilisation Areas

Spray from the application of wastewater must not drift beyond the boundary of the waste water utilisation area to which it is applied.

(iv) Maintaining Waste Water Utilisation Areas

Waste water utilisation areas must effectively utilise the waste water applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land and receiving waters to determine the impact of waste water application may be required by the [DECCW](#).

5. Hazardous Materials and Tailings Management

5.1 Waste Rock Emplacement and Management

The Applicant shall construct and manage the waste emplacements as set out in the EIS, and to the approval of the [DII](#).

5.2 Fine Rejects/Tailings Emplacement and Management

The Applicant shall prepare a Fine Rejects Management Plan for the placement of fine rejects in the Southern Waste Emplacement area to the satisfaction of the [DII](#) prior to **any** placement of fine rejects in the emplacement areas.

5.3 Waste

General Terms of Approvals - [DECCW](#)

(a) Receiving or Disposing of Waste

Except as expressly permitted in a licence, waste must not be:

- received at the premises for storage, treatment, processing, reprocessing or disposal; or
- disposed of at the premises.

(b) Hazardous and industrial waste

Hazardous or industrial waste must be stored and disposed of in a manner that will minimise the wastes impact on the environment including appropriate segregation for storage or disposal and transportation by a waste transporter licensed by the [DECCW](#).

6. Air Quality, Blast, Noise and Light Management

6.1 Air Quality Management

- (i) The Applicant shall prior to commencement of surface facility construction works in the relevant area, prepare a dust management plan detailing air quality safeguards and procedures for dealing with dust emissions in consultation with the [DECCW](#) and to the satisfaction of the Director-General. The management plan shall be updated as required by the Director-General and/or [DECCW](#). The plan shall include, but not be limited to, details of:
- (a) locations for dust monitoring (in accordance with Australian Standard), including location gauges at the Fassifern School and within the residential areas of Fassifern, as agreed by the [DECCW](#);
 - (b) methods to determine when and how the mine operation is to be modified to minimise the potential for dust emissions, particularly from surface activities if the relevant criteria is exceeded;
 - (c) details of monitoring measures for dust, and gas emissions from the proposed ventilation shaft at the Awaba Colliery.
- (Refer condition 8.3 for air quality monitoring details)
- (ii) Using at least 12 months of site specific meteorological data and air quality data and before the mine's rail loading capacity exceeds 3 million tonnes per annum, the applicant must undertake dispersion modelling of ambient air quality in the vicinity of the mine for Dust Deposition (annual average), TSP (annual average) and PM10 (24 hour average).

(Note: The meteorological data should be compared with the previous meteorological data base used for the initial assessment before use for any obvious differences.)

The results of the dispersion modelling should be compared against the criteria for dust deposition of 4grams/m²/month (annual average), TSP of 90 ug/m³ (annual average) and PM10, 50 µg/m³ (24 hour average) and PM10 of 30 µg/m³ (annual average), and predict the number of exceedences and the locations at which they are expected to occur. The existing air quality monitoring data should also be used to truth the modelling predictions. The results and interpretation of the modelling, should exceedences be predicted, should be reported to the [DECCW](#) and the Department.

6.1A Energy Savings Action Plan

Prior to 1 April 2008, or otherwise agreed by the Director-General, the Applicant shall prepare and implement an Energy Savings Action Plan for the development to the satisfaction of the Director-General. This plan must be prepared in accordance with any requirements or relevant guidelines of [DECCW](#), and submitted to the Director-General for approval.

6.1B Greenhouse Gases Recording and Reporting

The Applicant shall:

- (a) record the greenhouse gas emissions generated by the development, and the effectiveness of the measures implemented under the Energy Savings Action Plan; and
- (b) report on this monitoring in the AEMR.

6.2 Dust Suppression and Control

(a) The Applicant shall:

- (i) maintain and use sufficient equipment with the capacity to apply water to all unsealed trafficked areas at a rate which minimises dust emissions;
- (ii) ensure the prompt and effective rehabilitation of all disturbed areas to minimise generation of wind erosion dust, in accordance with the requirements of [DII](#);
- (iii) keep the surface of the coal stockpiles sufficiently damp to minimise windblown dust.

(b) General Terms of Approval - [DECCW](#)

Dust

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

6.3 Blast Management

- (a) The Applicant shall only blast for the purposes of **underground mining or** constructing the vent shaft at the Awaba Colliery. (refer to condition 8.4 (b) for blast monitoring)

General Terms of Approval - [DECCW](#)

(b) Overpressure

The overpressure level from blasting operations on the premises must not:

- (i) exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- (ii) exceed 120dB (Lin Peak) at any time,

when measured or computed at a free field location within 30 metres of any potentially affected residential building or other noise sensitive location such as a school or hospital unless otherwise approved in writing by the [DECCW](#).

(c) Ground Vibration (ppv)

Ground vibration peak particle velocity from the blasting operations on the premises must not:

- (i) exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- (ii) exceed 10mm/s at any time,

when measured or computed at a free field location within 30 metres of any potentially affected residential boundary or other noise sensitive location such as a school or hospital.

(d) Time of Blasting

- (i) Blasting operations associated with **surface** construction works may only take place between the hours of *9am and 5pm Monday to Saturday inclusive*.

- (ii) **Deleted.**

(e) Blast Management Protocol

A Blasting/Vibration Management Protocol must be prepared and implemented which will include details on:

- Compliance standards;
- Mitigation measures;
- Remedial action;
- Monitoring methods and program;
- Monitoring program for flyrock distribution;
- Measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables), and livestock nearby;
- Notification of procedures for neighbours prior to detonation of each blast;
- Measures to ensure no damage by flyrock to people, property, livestock and powerlines.

6.4 Noise Control *Newstan Surface Facilities*

General terms of Approval - [DECCW](#)

(a) Noise Level Criteria

Noise emissions from the operation of the Newstan Colliery Life Extension Project must not exceed the levels specified in Table 3:

The criteria applies under prevailing conditions (winds up to 3 metres per second). Noise impacts that may be enhanced by temperature inversions must be addressed by the following strategies:

- Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; and
- Where the level of complaints indicates a higher level of impact then actions to quantify and ameliorate the impacts must be developed and implemented.

Table 3: Newstan Colliery Noise Planning Criteria

Locality	EIS site Reference	L _{A10(15 Minute)} dB(A) ¹	
		Daytime (7am to 10pm)	Night time (10pm to 7am)
Davis Dwelling 35 Jeffison Street Wakefield	NC1	42	40
Culgan Dwelling Fassifern Road Wakefield	NC2	42	38
Other Wakefield Dwellings	–	42	39
Orrock Dwelling 4 Wallsend Road Fassifern	NC3	43	40
Fassifern Primary School	–	45	N/A
Other Fassifern Dwellings	–	45	41
Phelps Dwelling 33 Narara Street Fassifern	NC4	43	37
Parnwell Dwelling 51 Renolds Street Fassifern	NC5	44	37
Other Fassifern Dwellings		43	37
Deleted			
Deleted			
Deleted			

Note: L_{A10, (15 minutes)} ¹ means the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

(b) Noise Measurement

- (i) For the purpose of noise measures required to assess compliance with this condition, the L_{A10} noise level must be measured or computed at the locations identified in Table 3, or other sensitive locations nominated by the [DECCW](#), over a period of 15 minutes using "FAST" response on the sound level meter. The monitoring sites are a free field location within 30 metres of the potentially affected residence or otherwise approved in writing by the [DECCW](#).

- (ii) For the purpose of this condition, 5dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in character.

(c) Construction Noise

Noise emissions from construction activities must not exceed the $L_{A10(15 \text{ minute})}$ nighttime noise emission limits specified in Table 3 during night time operations (10.00pm to 7.00am) Monday to Saturday and 10.00pm to 8.00am Sundays and Public Holidays) at any dwelling not owned by the Applicant. At all other times the applicant must implement all practical means to achieve the noise levels specified in Table 3 for daytime operations (7.00am to 10.00pm) or to ameliorate the impacts on residential properties.

(d) Noise Management Plan

- (i) The Applicant must prepare and implement a Noise Management Plan prior to the commencement of construction in the relevant area. The Applicant must make a copy of the Noise Management Plan available to DECCW and LMCC within twenty one days of approval by the Director-General.
- (ii) The Noise Management Plan must:
- identify potential noise sources and specify appropriate intervals for noise monitoring to evaluate, assess and report the $L_{A10(15 \text{ minute})}$ noise emission levels due to construction and normal operations of the mine under prevailing weather conditions, or as otherwise determined by the DECCW;
 - outline the methodologies to be used, including justification for monitoring intervals, weather conditions, seasonal variations, selecting locations, periods and times of measurements, the design of any noise modelling or other studies, including the means for determining the noise levels emitted by the development;
 - outline measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);
 - specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they occur; and

(e) Maintenance and Monitoring of Equipment

All plant and equipment operated within the premises/site are not to exceed the noise levels set in the licence for this equipment. This noise level will be based on the performance of equivalent new equipment fitted with residential silencers where appropriate. The DECCW will require monitoring of noise levels to confirm performance. The method, location and frequency of monitoring will be as set out in the licence.

6.4A Noise Control – Newstan Ventilation Shaft Site at Awaba

Operational Noise Criteria

The Applicant shall ensure that the noise generated at the Newstan ventilation shaft site at Awaba does not exceed the noise impact assessment criteria in Table 3A for any privately owned residence.

Table 3A: Noise impact assessment criteria dB(A)

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)
All privately owned residences	38	40	36

Notes:

- Noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L_{Aeq}(15 minute) noise limits in the above table. The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- Where it can be demonstrated that direct measurement of noise from the development is impractical, the DECCW may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- The noise emission limits identified in the above table apply under meteorological conditions of:
 - wind speeds of up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.
- In this condition:
 - Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays;
 - Evening is defined as the period from 6pm to 10pm; and
 - Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.

Construction Activities

The Applicant shall ensure that noise caused by construction activities at the Newstan ventilation shaft site at Awaba outside of the hours 7am to 6pm Monday to Friday and 8am to 1pm Saturdays does not exceed the operational noise criteria in Table 3A.

Noise Monitoring

Prior to the commencement of construction activities at the Newstan ventilation shaft site at Awaba the Applicant shall prepare and implement a Noise Monitoring Program for the Awaba surface facilities and ventilation shaft site to the satisfaction of the Director-General. This program must:

- be submitted to the Director-General for approval; and
- provide for the monitoring of both construction and operational activities.

6.5 Light Emissions

The Applicant shall screen or direct all onsite lighting away from residences and roadways to the satisfaction of LMCC.

7. Transport and Utilities

7.1 Road Transport

- (a) No additional amounts of coal shall be hauled on public roads other than the amount of coal currently permitted to be hauled on public roads, unless prior approval is granted by LMCC.
- (b) Deleted.
- (c) The Applicant, in consultation with MSB, shall ensure that access within the DA area, to properties and within properties, is maintained at no less than the existing standard during the period in which mining occurs under the land and for a period of at least five years thereafter, in relation to condition, flood liability, public safety and flood hazard. The Applicant shall carry out any roadworks considered necessary by LMCC or the RTA to ensure compliance with this condition insofar as any works to maintain the existing standard at the time of mining are directly attributable to the operation of the mine, particularly on the F3 Sydney-Newcastle Freeway, Main Road 220 – Toronto to Freemans Waterholes and Main Road 217 – Toronto to Morisset.
- (d) The Applicant shall ensure that the efficiency and effectiveness of all drainage, culverts and watercourses affecting roadways within the DA area must be maintained in so far as any works to maintain the existing standard at the time of mining are directly attributable to the operation of the mine.
- (e) Pre-surveys of existing public road formations, roadways structures and drainage structures must be conducted prior to the commencement of mining activity and every year subsequent year until the possibility of potential subsidence has ceded. All datum collected must be submitted to the RTA Hunter Region and LMCC for review.
- (f) All mining activities and works related to mining in the LEA must be conducted in such a fashion as to ensure that there will be no subsidence within the F3 Sydney-Newcastle Freeway corridor.
- (g) The Applicant shall notify the RTA and LMCC of imminent mining operations at least 12 months prior to mining under any section of Main Road 217 and/or Main Road 220.

7.2 Deleted.

8. Monitoring/Auditing

- (a) In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in conditions 8.1 - 8.7 below to be revised/updated to reflect changing environmental requirements or changes in technology/operational practices. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at LMCC within two weeks of approval of the relevant government authority.
- (b) All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.

8.1 Meteorological

General Terms of Approval – [DECCW](#)

The proponent must install a meteorological station in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units". The Meteorological station must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application".

8.2 Surface and Ground Water

- (a)
 - (i) The Applicant shall construct and locate surface and ground water monitoring positions, as identified in the site water management plan (condition 4.1 (a)), in consultation with [NOW](#), LMCC and [DECCW](#), and to the satisfaction of the Director-General , at least three months prior to the commencement of construction works in the relevant area and first workings in the LEA;
 - (ii) The Applicant shall prepare a detailed monitoring program in respect of ground and surface water quality and quantity, including water in and around the Newstan mine site, Northern and Southern Emplacements, and LEA, and also consistent with condition 4.1(b)(iv), during construction works, mine operations and post mine operations in consultation with [NOW](#), [DECCW](#), and to the satisfaction of the Director-General. The monitoring program shall also include surveys of drainage channels within the LEA to update information obtained in the preparation of Property Subsidence Management Plans. The monitoring program shall be prepared prior to commencement of construction in the relevant area.

- (iii) The results and interpretation of surface and ground water monitoring are to be provided by the Applicant in an approved form to the [NOW](#), LMCC and [DECCW](#) on a six monthly basis, unless otherwise directed by the Director-General. The results are also to be contained and analysed in the Annual Environmental Management Report ([Condition 9.1](#)).

(b) General Terms of Approval - [DECCW](#)

Monitoring Requirements

The proponent must monitor water quality for the pollutants and at the locations specified in Table 2 unless otherwise agreed to in writing by the [DECCW](#).

Table 2: Newstan Surface Water Monitoring Locations EIS map Ref. 1135/5.11.98-98ns_107

Pollutant/Parameter	Monitoring Location: EIS Map Reference Number				
	MP2	MP6	MP3	MP7	MP4
Total Suspended Solids	x	x	x	x	x
Oil and Grease	x	x		x	
PH	x	x	x	x	x
Nitrogen (Total as N)			x	x	x
Phosphate (Total as P)			x	x	x
Faecal coliforms					x
Turbidity (NTU)	x	x	x	x	
Conductivity $\mu\text{s/cm}$	x	x	x	x	
Volume	Calculated (daily)	x			Calculated (daily)
Monitoring frequency	Monthly	Note 1	Note 2	Note 2	Monthly

Note 1. Within 1 hour of a discharge occurring and at 12 hourly intervals thereafter until the discharge ceases or otherwise approved in writing by the [DECCW](#).

Note 2. Within 1 hour of a discharge occurring from MP6 and at 12 hourly intervals thereafter until the discharge ceases or otherwise approved in writing by the [DECCW](#).

8.3 Air Quality and Dust

The Applicant shall:

- undertake monitoring at locations described in the dust management plan (condition 6.1);
- monitor dust deposition rates and concentrations of total suspended particulates (TSP) for the life of mine operations, including monitoring impacts of dust on the school and residential areas of Fassifern; and locations as may be determined to be necessary by the Director-General in consultation with the [DECCW](#) following submission of the Dust Management Plan referred to in condition 6.1.

- (c) provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in gm/m²/month, which shall be plotted in the AEMR.
- (d) General Terms of Approval - [DECCW](#)

Ambient Monitoring

Monitoring of the concentration of Total Suspended Particles and Dust Deposition in ambient air will be required at agreed location(s). The sampling interval and frequency of monitoring will be as agreed in writing and the method and units of measure as set out in the (Draft) Approved Methods for the sampling and Analysis of Air Pollutants in NSW.

8.4 Noise and Blast

- (a) Noise Investigations and Management-[Newstan Surface Facilities](#)

The Applicant shall:

- (i) prior to commencement of construction in the relevant area, develop a plan to conduct noise investigations at three monthly intervals to evaluate, assess and report the LA₁₀ (15 minute) noise emission levels due to normal operations of the mine under prevailing weather conditions, or as otherwise determined by the [DECCW](#). The methodologies, including establishing the mine's operating configuration, determining survey intervals, weather conditions, seasonal variations, selecting variations, selecting locations, periods and times of measurements, the design of any noise modelling or other studies, including the means for determining the noise levels emitted by the mining operations, shall be in accordance with the requirements of the [DECCW](#);
- (ii) survey and investigate noise reduction measures from plant and equipment at the conclusion of the first 12 months.
- (iii) arrange independent noise emission investigations as provided in Condition 11.2.

A summary of noise monitoring results shall be included in the AEMR.

- (b) Blasting-[Newstan Surface Facilities and Newstan Ventilation Shaft Site at Awaba](#)

The Applicant shall:

- (i) monitor any blasts and record the overpressure and peak particle velocity as agreed by the [DECCW](#), including details of monitoring locations; and
- (ii) include the results of the monitoring information as required by the [DECCW](#) and in the Annual Environmental Management Report (Condition 9.2).

8.5 Fauna and Flora Monitoring

The Applicant shall prepare a detailed monitoring program of habitat areas, including any wetlands and aquatic habitats, during the development and for a period after the completion of the development to be determined by the Director-General in consultation with LMCC, DECCW and DII. The program shall monitor impacts attributable to the development and include monitoring of the success of any restoration or reconstruction works. The Applicant shall include the monitoring program in the Flora and Fauna Management Plan (condition 3.4). The Applicant shall carry out any further works required by the Director-General as a result of the monitoring. A summary of monitoring results shall be included in the AEMR.

8.6 Cultural Heritage Monitoring

The Applicant shall monitor the effectiveness of measures outlined in the archaeology and heritage management plan (condition 3.3). A summary of monitoring results shall be included in the AEMR.

8.7 Subsidence Monitoring

The Applicant shall undertake a detailed and ongoing monitoring program of subsidence resulting from mining to the satisfaction of the Director-General and in consultation with NOW, DII and MSB throughout the life of the mine and for a period of at least five years after the completion of mining, or other such period as determined by the Director-General in consultation with NOW and DII. Monitoring shall include the following:

- (i) a survey of watercourses within areas mined within the LEA;
- (ii) monitoring of groundwater levels and quality;
- (iii) monitoring of impacts on any buildings, structures and roads within areas mined within the LEA;
- (iv) monitoring of remedial measures; and
- (v) a comparison of predicted impacts with actual impacts, including mapping of subsidence profiles within areas mined within the LEA.

The Applicant shall include information on monitoring conducted and the interpreted results in the Annual Environmental Management Report (condition 9.2).

8.8 Community Consultative Committee

- (i) The Applicant shall maintain a Community Consultative Committee (CCC) for the development. This committee shall:
 - (a) comprise:
 - 2 representatives from the Applicant, including the person responsible for environmental management at the mine;
 - at least 1 representative from Council (if available); and
 - at least 3 representatives (or as otherwise agreed by the Director-General) from the local community whose appointment has been approved by the Director-General;
 - (b) be chaired by an independent chairperson, whose appointment has

- been approved by the Director-General;
- (c) meet at least twice per year;
- (d) review the Applicant's performance with respect to environmental management and community relations;
- (e) undertake regular inspections of the mining operations;
- (f) review community concerns or complaints about the mine operations, and the Applicant's complaints handling procedures;
- (g) provide advice to:
 - the Applicant on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Applicant could contribute;
 - the Department regarding the conditions of this consent; and
 - the general community on the performance of the mine with respect to environmental management and community relations; and
- (h) be operated generally in accordance with any guidelines the Department may publish in regard to the operation of Community Consultative Committees for mining projects.

Notes:

- 1) *Guidelines were published by the Department in June 2007.*
- 2) *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*

- (ii) The Applicant shall, at its own expense:
 - (a) ensure that 2 of its representatives attend CCC meetings;
 - (b) provide the CCC with regular information on the environmental performance of the development;
 - (c) provide meeting facilities for the CCC;
 - (d) arrange site inspections for the CCC, if necessary;
 - (e) respond to any advice or recommendations the CCC may have in relation to environmental management or community relations;
 - (f) take minutes of the CCC meetings;
 - (g) forward a copy of these minutes to the Director-General; and
 - (h) put a copy these minutes on its website.

8.9 Independent Environmental Audit

- (i) Prior to 14 May 2009, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies
 - (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals);

- (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate,
- (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor.

- (ii) Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.
- (iii) Within 3 months of submitting the audit report to the Director-General, the Applicant shall review, and if necessary revise the strategies/plans/programs required under this consent to the satisfaction of the Director-General.

9. Reporting

9.1 Annual Environmental Management Report

Each year the Applicant shall submit an AEMR to the Director-General and to all relevant agencies. This report must:

- (a) identify the standards and performance measures that apply to the development;
- (b) describe the works carried out in the last 12 months;
- (c) describe the works that will be carried out in the next 12 months;
- (d) include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;
- (e) include a summary of the monitoring results on the development during the past year;
- (f) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in the EIS and SEE noted in condition 1.1;
- (g) identify any trends in the monitoring results over the life of the development;
- (h) identify any non-compliance during the previous year; and
- (i) describe what actions were, or are being, taken to ensure compliance.

9.2 Access to Information

- (a) Within 3 months of the approval of any plan/strategy/program required under this consent (or any subsequent revision of these plans/strategies/programs), or the completion of the audits or AEMRs required under this consent, the Applicant shall:
 - provide a copy of the relevant document/s to the relevant agencies;
 - ensure that a copy of the relevant document/s is made publicly available at the mine; and
 - put a copy of the relevant document/s on its website.
- (b) During the development, the Applicant shall:
 - make a summary of monitoring results required under this consent publicly available at the mine and on its website; and
 - update these results on a regular basis (at least every three months).

9.3 Recording and Reporting Requirements

General Terms of Approval – [DECCW](#)

(i) Recording of Monitoring

The results of any monitoring required must be recorded and retained as set out in the licence.

(ii) Reporting Requirements

The [DECCW](#) will require reporting on the environmental performance of the proposal as set out in the licence. The timing of reporting shall be consistent with the environmental reporting required by this consent, as far as practical.

10. Community Consultation/Obligations

10.1 Deleted

10.2 Community Consultation

(a) Complaints

The Environmental Officer (refer condition 3.1) shall be responsible:

- (i) for **responding to** complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date **system**, and ensuring that a response is provided to the complainant within 24 hours; and
- (ii) providing a report of complaints **in the AEMR** throughout the life of the project to the Director-General, LMCC, **DECCW**, **DII**, and CCC.

(b) Other community consultation required by this consent

Refer condition 8.8 - Community Consultative Committee

Refer condition 3.3 - Heritage Assessment and Management

11. Land Acquisition and Compensation

11.1 Land Acquisition as a Result of Subsidence

Initial Valuation and Options Agreement

- (a) The Applicant shall compensate landowners for compensable loss in accordance with the provisions of the Mining Act, 1992. Compensable loss is defined in that Act.
- (b) Within six months of the date of this consent, any landowner within the LEA may request in writing a valuation of their property from the Applicant. Upon receipt of the request, the Applicant shall:
 - (i) obtain a valuation within one month of receipt of the request, which includes proper consideration of a sum not less than the current market value of the owner's interest in the land as if the land was unaffected by the development proposal, whosoever is the occupier, having regard to:
 - the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and
 - the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date ; and
 - (ii) within 14 days of receipt of the valuation, offer in writing to enter into an options agreement with the landowner to acquire the land when notification is received if the mine plan submitted with an application for approval under s138 of the Coal Mine Regulation Act, 1982 indicates that the landowner is entitled to acquisition under Conditions 11.1(B) and (C).
- (c) The valuation and options agreement shall also be available to any landowner who may be affected by noise and/or dust impacts from the surface facilities as proposed in the EIS. The options agreement shall be based on an option to sell if and when the landowner is entitled to acquisition under Condition 11.2.

(B) Acquisition and Compensation – Significant Structural Damage to Dwellings

- (a) Where a dwelling within the DA area is, or is likely to be, subject to damage beyond the safe, serviceable and repairable criteria as a result of the development, the landowner, after receiving notification from the Applicant, may request the Applicant in writing to:
 - (i) carry out such works as agreed by the landowner to remedy or mitigate any damage; or
 - (ii) compensate the landowner for such effects; or
 - (iii) acquire the whole of the property, or such part of the property requested by the landowner where subdivision is approved.

- (b) The Applicant shall comply with any such request for acquisition or compensation in accordance with Conditions 11.1(D) and (E). If necessary to confirm the impact, the Applicant shall, at the request of the landowner in writing, conduct a structural inspection.

(C) Acquisition and Compensation – Land Use Impacts

- (a) Where a landowner suffers a loss of agricultural productivity or other adverse impact on the use of land as a result of the development, the landowner, may request the Applicant in writing to:
- (i) carry out such works as agreed by the landowner to rectify the problem; or
 - (ii) compensate the landowner for such effects; or
 - (iii) acquire the whole of the property, or such part of the property requested by the landowner where subdivision is approved.
- (b) The Applicant shall comply with any such request for acquisition or compensation in accordance with Conditions 11.1(D)-(E). If necessary to confirm the impact, the Applicant shall, at the request of the landowner in writing, conduct a structural inspection.
- (c) Where the landowner requests acquisition, significant adverse impact to agricultural productivity or the use of the land or an enterprise must be demonstrated.

Note: The Independent Panel may be requested to advise on whether significant adverse impact has been demonstrated.

(D) Acquisition and Compensation – Procedure

- (a) Any disputes relating to land acquisition or compensation (except those relating to valuation matters) may be referred by either party to the Independent Panel for consideration and advice if no agreement is reached within three months of receipt by the Applicant of the written request, or to the Mining Warden at any time in accordance with the provisions of the Mining Act.
- (b) Upon receipt of a written request to purchase property in accordance with any conditions of this consent, the Applicant shall negotiate and purchase the whole of the property (unless the request specifically requests acquisition of only part of the property and subdivision has already been approved) within six months of receipt of the request. The Applicant shall pay the landowners an acquisition price resulting from proper consideration of:
- (i) a sum not less than the current market value of the owner's interest in the land as if the land was unaffected by the development proposal, whosoever is the occupier, having regard to:
 - the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and

- the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date. In determining the effect of the development, consideration shall be given to any valuation conducted under Condition 11.1(A)(b);
- (ii) the owner's reasonable compensation for disturbance allowance and relocation within the Lake Macquarie or Wyong local government areas, or within such other location as may be determined by the Director-General in exceptional circumstances; (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price for the land and the terms upon which it is to be acquired; and (iv) the purchase price determined by reference to points (i), (ii) and (iii) shall be reduced by the amount of any compensation awarded to a landowner pursuant to the Mining Act, 1992 or other legislation providing for compensation in relation to coal mining but limited to compensation for dwellings, structures and other fixed improvements on the land, unless otherwise determined by the Director-General in consultation with the [DII](#) or MSB.
- (c) An offer by the Applicant to purchase a property under the conditions of this consent shall remain open to the landowner for the following periods from the date of the offer:
 - (i) for damage to a dwelling beyond the safe, serviceable and repairable criteria (Condition 11.1(B)), three years after completion of mining of longwall panels that affect the property;
 - (ii) for land use impacts (Condition 11.1(C)), five years after completion of mining of longwall panels that affect the property; and
 - (iii) for noise or dust impacts (Condition 11.2), for the life of the mine.
- (d) Notwithstanding any other Condition of this consent, the landowner and the Applicant may enter into any other agreed arrangement regarding compensation; or the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.

(E) Independent Valuation

- (a) In the event that the Applicant and the landowner cannot agree within three months upon the acquisition price of the land and/or the terms upon which it is to be acquired under the terms of this consent, then either party may refer the matter to the Director-General who shall request an independent valuation to determine the acquisition price. The independent valuer shall consider any submissions from the landowner and the Applicant in determining the acquisition price.

- (b) If the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General, who, if satisfied that there is a need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:
 - (i) the appointed independent valuer;
 - (ii) the Director-General; and/or
 - (iii) the President of the Law Society of NSW or nominee.The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.
- (c) The Applicant shall bear the costs of any independent valuation or survey assessment requested by the Director-General.
- (d) The Applicant shall, within fourteen days of receipt of a valuation by the independent valuer, offer in writing to acquire the relevant land at a price not less than the said valuation.

(F) Independent Panel

- (a) The Director-General shall establish an Independent Panel to assist in the implementation of conditions of this consent relating to subsidence impacts, including remedial work, compensation, acquisition and decisions about impacts on agriculture and other land uses. The Panel shall be chaired by an independent mediator appointed by the Director-General, and comprise representatives, as required, from Lake Macquarie City Council and government agencies and/or technical experts. The Applicant shall contribute reasonable funds to facilitate functioning of the Panel, at amounts determined by the Director-General, for payment of the mediator and technical experts.
- (b) The purpose of the Panel will be to assist in the resolution of disputes and provide technical advice on matters relating to subsidence impacts, but not those relating to valuation of property. If matters cannot be resolved by the Panel, they shall then be referred to the appropriate statutory body (such as the MSB or the Mining Warden). The Panel shall report annually to the Director-General on its considerations. If at any time the Chairperson of the Panel considers it necessary, the Panel may refer a matter to the Director-General for advice or determination.
- (c) In considering matters referred to it, the Panel shall seek and consider submissions from all relevant parties.
- (d) Before considering any matters relating to the impact of the development on agricultural productivity or other land uses, the Panel shall prepare guidelines setting out the criteria on which it will base such advice. The Guidelines shall be prepared within two months of receipt of the first request for advice and be made available to any enquirer upon request.

11.2 Land Acquisition as a Result of Excessive Noise and/or Dust

Note: In Condition 11.2 (a)-(e) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.

- (a) (i) In the event that landowners consider that noise and/or dust from the Newstan mining operations, including surface facilities at their dwelling(s) is in excess of the noise levels set out in this consent or the relevant [DECCW](#) amenity criteria for dust levels, and the Director-General, in consultation with the [DECCW](#), is satisfied that an investigation is required, the Applicant shall upon receipt of a written request:
- appoint a qualified independent person to undertake direct discussions with the landowners affected to ascertain their concerns and to plan and implement an investigation to quantify the impact and determine the sources of the effect, and
 - bear the cost of the independent investigation and make available plans, programmes and other information necessary for the independent person to form an appreciation of the past, present and future mining operations and their effects on noise and/or dust emissions.
- (ii) The investigation is to be carried out by a qualified independent person in accordance with a documented Plan. The Plan shall be designed and implemented to measure and/or compute (with appropriate calibration by measurement) the relevant noise and/or dust levels at the complainant's residence emitted by the current normal mining operations.
- (iii) The independent person, the Plan and the timing of its implementation shall be approved by the Director-General, in consultation with LMCC, the [DECCW](#), the affected landowner and the Applicant. A report of the investigation shall be provided to the Director-General, the [DECCW](#), the Applicant and the affected landowner.
- (iv) The results of the investigation shall be assessed and reported by the independent person in the light of the mine's current operations and proposed short, medium and long term development plans.
- (v) If the independent noise and/or dust investigation finds that the relevant criteria are being exceeded by noise and/or dust emission from normal mining operations, the Applicant shall:
- modify those areas of the mining operation which are causing the exceedances; or
 - undertake other measures, as agreed with the affected landowner, to ameliorate the effects of the impact, within three (3) months or as otherwise directed by the Director General in consultation with the [DECCW](#).

- (vi) Within two (2) months after the expiry of the three (3) month period in sub-clause (v) above, and upon written request from the landowner, the Applicant shall arrange for a further independent noise and/or dust investigation to be completed.
 - (vii) If the investigation in sub-clause (vi) above finds that the relevant noise and/or dust emission levels from normal mine operations exceed relevant amenity criteria or consent conditions, the Applicant shall purchase the property within six months of receipt of a written request from the owner of the affected property.
 - (viii) Further independent investigations shall cease if the Director-General, in consultation with the [DECCW](#) is satisfied that the relevant consent limits or [DECCW](#) amenity criteria are not being exceeded and are unlikely to be exceeded in the future.
- (b) In respect of a request to purchase land arising under Condition 11.2(a), the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:
- (i) a sum not less than the current market value of the owner's interest in the land used for its existing use at the date of this consent who is the occupier and all improvements thereon at this date as if the land was unaffected by the development proposal.
 - (ii) the owner's reasonable compensation for disturbance allowance and relocation costs within the Lake Macquarie City or Wyong Local Government Areas.
 - (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.
- (c) In the event that the Applicant and any owner referred to in Condition 11.2(a) cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:
- (i) either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer, suitably qualified in compensation issues, who shall determine, after consideration of any submissions from the land owner and the Applicant, the acquisition price.
 - (ii) in the event that the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General, who if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:

- 1) the appointed independent valuer,
- 2) the Director-General,
and/or
- 3) the President of the Law Society of NSW or his/her nominee.

The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.

- (d) The Applicant shall bear the costs of any valuation or survey assessment requested by the Director-General in accordance with Conditions 11.2(a) - 11.2(c).
- (e) Upon receipt of a valuation, the Applicant shall offer to acquire the relevant land at a price not less than the said valuation. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to such owner and in respect of that property under Conditions 11.2(a) - 11.2(e) above shall cease.

12. Structural Adequacy

12.1 Structural Adequacy

The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

Notes:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

12.2 Demolition

The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

APPENDIX 1
Schedule of Land

Local Government Area: Lake Macquarie City Council
County: Northumberland

Proposed Surface Works			
Parish	Portion / Lot No	Parish	Portion / Lot No
Newstan Colliery Surface Facilities			
Awaba	1//121470	Awaba	6//46737
Teralba	1//659579	Awaba	630//816256
Teralba	148//728974	Awaba	631//816256
Teralba	149//728974	Awaba	65//755207
Awaba	2//877105	Awaba	7//41524
Awaba	234//755207	Awaba	78//755207
Awaba	259//755207	Awaba	8//41524
Awaba	27//755207	Teralba	PT2//233639
Teralba	390//1064199	Teralba	PT441//583057
Awaba	391//1064199	Awaba	PT64//755207
Awaba	4//46737	Awaba	PT66//755207
Awaba	442//583057	Awaba	Lot 130 DP 848568
Awaba	5//46737	Teralba	PTC//381399
Awaba Colliery Surface Facilities			
Awaba	Lot 9 DP 239629	Awaba	Lot 213 DP 755207
Awaba	Lot 10 DP 239629	Awaba	Lot 214 DP 755207
Awaba	Lot 6 DP 816725	Awaba	Lot 215 DP 755207
Awaba	Lot 7 DP 816725	Awaba	Lot 216 DP 755207
Awaba	Lot 8 DP 816725		
Potential Creek Channelisation Works – Lords Creek			
Coorumbung	Lot 222 DP548001		

Underground Transport Corridor			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	118//755207	Awaba	22//755207
Awaba	119//755207	Awaba	27//755207
Awaba	120//755207	Awaba	33//755207

Underground Transport Corridor			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	121//755207	Awaba	36//755207
Awaba	123//755207	Awaba	7//845676
Awaba	124//755207	Awaba	78//755207
Awaba	182//737273	Awaba	PT66//755207
Awaba	192//755207	Awaba	195//755207
Awaba	194//755207	Awaba	196//755207

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	50017	Awaba	329//857889
Awaba	?/14/758041	Awaba	33//835633
Awaba	?/16/758041	Awaba	330//857889
Awaba	?/20/758041	Awaba	331//857889
Awaba	?/22/758041	Awaba	332//857889
Awaba	?/23/758041	Awaba	333//857889
Awaba	?/25/758041	Awaba	334//857889
Awaba	?/31/758041	Awaba	335//857889
Awaba	?/32/758041	Awaba	336//857889
Awaba	?/33/758041	Awaba	337//857889
Awaba	?/36/758041	Awaba	338//857889
Awaba	?/39/758041	Awaba	339//857889
Awaba	?/4/758041	Awaba	34//835633
Awaba	?/40/758041	Awaba	340//44381
Awaba	?/41/758041	Awaba	340//857889
Awaba	?/42/758041	Awaba	341//44381
Awaba	?/43/758041	Awaba	341//857889
Awaba	1//130632	Awaba	342//857889
Awaba	1//239629	Awaba	37//835633
Coorumbun g	1//34358	Awaba	371//723259
Coorumbun g	1//502590	Awaba	372//723259
Awaba	1//561528	Awaba	373//723259
Coorumbun g	1//626824	Awaba	38//835633
Awaba	1//729932	Awaba	39//835633
Coorumbun g	1//815846	Awaba	395//823682
Awaba	1//817297	Awaba	396//823682
Awaba	1//833614	Awaba	397//821668
Awaba	1//835263	Awaba	4//816752
Awaba	1//873289	Awaba	4//835263
Awaba	1/10/758041	Awaba	4//845676
Awaba	1/11/758041	Awaba	4/10/758041
Awaba	1/12/758041	Awaba	4/11/758041
Awaba	1/15/758041	Awaba	4/12/758041

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	1/2/758041	Awaba	4/19/758041
Awaba	1/26/758041	Awaba	4/2/758041
Awaba	1/27/758041	Awaba	4/21/758041
Awaba	1/28/758041	Awaba	4/28/758041
Awaba	1/29/758041	Awaba	4/29/758041
Awaba	1/32/758041	Awaba	4/30/758041
Awaba	1/34/758041	Awaba	4/37/758041
Awaba	1/35/758041	Awaba	4/38/758041
Awaba	1/37/758041	Awaba	4/43/758041
Awaba	1/38/758041	Awaba	4/6/758041
Awaba	1/4/758041	Awaba	4/8/758041
Awaba	1/40/758041	Awaba	4/9/758041
Awaba	1/42/758041	Awaba	40//835633
Awaba	1/43/758041	Awaba	401//1006267
Awaba	1/5/758041	Awaba	402//1006267
Awaba	1/7/758041	Awaba	403//1006267
Awaba	1/8/758041	Awaba	404//1006267
Awaba	1/9/758041	Awaba	405//1006267
Coorumbung	10//263605	Awaba	406//1006267
Awaba	10//835633	Awaba	407//1006267
Awaba	10//845676	Awaba	408//1006267
Awaba	10//875748	Awaba	409//1006267
Awaba	10/10/758041	Awaba	41//625299
Awaba	10/18/758041	Awaba	41//804985
Awaba	10/19/758041	Awaba	41//835633
Awaba	10/2/758041	Awaba	410//1006267
Awaba	10/21/758041	Awaba	411//1006267
Awaba	10/29/758041	Awaba	412//1006267
Awaba	10/30/758041	Awaba	413//1006267
Awaba	10/37/758041	Awaba	414//1006267
Awaba	10/38/758041	Awaba	415//1006267
Awaba	10/43/758041	Awaba	416//1006267
Awaba	10/6/758041	Awaba	417//1006267
Awaba	10/8/758041	Awaba	418//1006267
Awaba	10/9/758041	Awaba	419//1006267
Awaba	100//1003935	Awaba	42//625299
Coorumbung	100//709415	Awaba	42//804985
Awaba	100//755207	Awaba	42//835633
Coorumbung	101//709415	Awaba	420//1006267
Awaba	101//840773	Awaba	421//1006267
Awaba	102//840773	Awaba	422//1006267
Awaba	104//755207	Awaba	423//1006267
Awaba	105//755207	Awaba	424//1006267
Awaba	106//1003935	Awaba	425//1006267

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	106//755207	Awaba	425//823739
Awaba	107//755207	Awaba	426//1006267
Awaba	108//755207	Awaba	426//823739
Awaba	109//755207	Awaba	427//1006267
Awaba	11//249535	Awaba	428//1006267
Awaba	11//623972	Awaba	429//1006267
Awaba	11//702043	Awaba	43//835633
Awaba	11//835633	Awaba	430//1006267
Awaba	11//845676	Awaba	431//1004306
Awaba	11//875748	Awaba	431//1006267
Awaba	11/10/758041	Awaba	432//1006267
Awaba	11/29/758041	Awaba	433//1006267
Awaba	11/37/758041	Awaba	434//1006267
Awaba	11/6/758041	Awaba	435//1006267
Awaba	110//755207	Awaba	436//1006267
Awaba	113//802471	Awaba	44//835633
Awaba	114//802471	Awaba	441//1040184
Awaba	115//755207	Awaba	442//1040184
Awaba	115//802471	Awaba	443//1040188
Awaba	116//755207	Awaba	444//1040188
Awaba	116//802471	Awaba	445//1040188
Awaba	117//802471	Awaba	45//835633
Awaba	118//802471	Awaba	451//1033002
Awaba	12//249535	Awaba	46//835633
Awaba	12//623972	Awaba	471//860305
Awaba	12//702043	Awaba	472//860305
Awaba	12//835633	Awaba	48//835633
Awaba	12/11/758041	Awaba	49//835633
Awaba	12/29/758041	Awaba	4A//376807
Awaba	12/37/758041	Awaba	4B//376807
Awaba	12/6/758041	Awaba	4C//376807
Awaba	13//249535	Awaba	5//738276
Awaba	13//702043	Awaba	5//786733
Awaba	13//835633	Awaba	5//835263
Awaba	13/11/758041	Awaba	5//845676
Awaba	131//622781	Awaba	5/10/758041
Awaba	132//622781	Awaba	5/11/758041
Awaba	14//249535	Awaba	5/12/758041
Awaba	14//835633	Awaba	5/19/758041
Awaba	14/11/758041	Awaba	5/2/758041
Coorumbung	140//755218	Awaba	5/21/758041
Awaba	141//755207	Awaba	5/28/758041
Awaba	142//755207	Awaba	5/29/758041
Coorumbung	143//755218	Awaba	5/3/758041
Awaba	146//755207	Awaba	5/30/758041

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	147//755207	Awaba	5/37/758041
Awaba	148//755207	Awaba	5/38/758041
Awaba	149//755207	Awaba	5/43/758041
Awaba	15//249535	Awaba	5/6/758041
Awaba	15//835633	Awaba	5/8/758041
Awaba	15/11/758041	Awaba	5/9/758041
Awaba	150//755207	Awaba	50//835633
Awaba	151//755207	Awaba	51//622344
Awaba	152//755207	Awaba	51//700659
Awaba	156//755207	Awaba	51//835633
Awaba	157//755207	Awaba	52//622344
Awaba	158//755207	Awaba	52//700659
Awaba	159//755207	Awaba	52//835633
Awaba	16//835633	Awaba	53//835633
Awaba	16//875748	Awaba	54//835633
Awaba	16/11/758041	Awaba	55//835633
Awaba	160//755207	Awaba	56//835633
Awaba	161//755207	Awaba	57//835633
Awaba	162//755207	Awaba	58//792783
Awaba	163//755207	Awaba	58//835633
Awaba	164//755207	Awaba	6//42587
Awaba	165//755207	Awaba	6//821188
Awaba	166//755207	Awaba	6//835633
Awaba	167//755207	Awaba	6/10/758041
Awaba	168//755207	Awaba	6/11/758041
Awaba	169//755207	Awaba	6/12/758041
Awaba	17//875748	Awaba	6/21/758041
Awaba	170//755207	Awaba	6/28/758041
Awaba	171//755207	Awaba	6/29/758041
Awaba	172//755207	Awaba	6/30/758041
Awaba	173//755207	Awaba	6/37/758041
Awaba	174//755207	Awaba	6/38/758041
Awaba	175//755207	Awaba	6/43/758041
Awaba	180//755207	Awaba	6/6/758041
Awaba	183//755207	Awaba	6/9/758041
Awaba	184//755207	Awaba	60//835633
Awaba	185//755207	Awaba	61//569340
Awaba	186//755207	Awaba	61//603232
Awaba	187//755207	Awaba	61//615460
Awaba	19//835633	Awaba	62//569340
Awaba	195//755207	Awaba	62//603232
Awaba	196//755207	Awaba	62//615460
Awaba	2//239629	Awaba	7//738276
Awaba	2//516039	Awaba	7//835633
Awaba	2//561528	Awaba	7/11/758041
Awaba	2//615264	Awaba	7/12/758041
Coorumbun	2//755218	Awaba	7/19/758041

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
g			
Coorumbun g	2//815846	Awaba	7/2/758041
Awaba	2//835263	Awaba	7/21/758041
Awaba	2//873289	Awaba	7/29/758041
Awaba	2/10/758041	Awaba	7/30/758041
Awaba	2/11/758041	Awaba	7/37/758041
Awaba	2/12/758041	Awaba	7/38/758041
Awaba	2/2/758041	Awaba	7/43/758041
Awaba	2/21/758041	Awaba	7/6/758041
Awaba	2/28/758041	Awaba	7/8/758041
Awaba	2/29/758041	Awaba	7/9/758041
Awaba	2/3/758041	Coorumbun g	7011//1050416
Awaba	2/30/758041	Coorumbun g	7014//93169
Awaba	2/34/758041	Coorumbun g	7019//1050414
Awaba	2/37/758041	Awaba	702//1030918
Awaba	2/38/758041	Awaba	702//516825
Awaba	2/4/758041	Awaba	7052//1057169
Awaba	2/43/758041	Awaba	7053//1052818
Awaba	2/6/758041	Awaba	71//554514
Awaba	2/7/758041	Awaba	71//616908
Awaba	2/8/758041	Awaba	72//554514
Awaba	2/9/758041	Awaba	72//616908
Awaba	20//835633	Coorumbun g	7551-3070
Awaba	203//844413	Awaba	8//835633
Awaba	204//844413	Awaba	8/10/758041
Awaba	205//844413	Awaba	8/11/758041
Awaba	206//844413	Awaba	8/12/758041
Awaba	207//755207	Awaba	8/18/758041
Awaba	207//844413	Awaba	8/19/758041
Awaba	208//755207	Awaba	8/21/758041
Awaba	208//844413	Awaba	8/29/758041
Awaba	209//755207	Awaba	8/30/758041
Coorumbun g	209//755218	Awaba	8/37/758041
Awaba	209//844413	Awaba	8/38/758041
Coorumbun g	21//532058	Awaba	8/43/758041
Awaba	21//835633	Awaba	8/6/758041
Awaba	210//755207	Awaba	8/7/758041
Awaba	210//844413	Awaba	8/8/758041
Awaba	211//755207	Awaba	8/9/758041
Awaba	211//844413	Awaba	80//755207
Awaba	212//844413	Awaba	81//519603

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	213//844413	Awaba	82//519603
Awaba	214//844413	Awaba	85//755207
Awaba	215//844413	Awaba	861//528641
Awaba	216//844413	Awaba	862//528641
Awaba	217//844413	Awaba	87//755207
Awaba	218//844413	Coorumbun g	88//755218
Awaba	219//755207	Awaba	89//755207
Awaba	219//844413	Coorumbun g	89//755218
Awaba	22//835633	Awaba	9//835633
Awaba	220//844413	Awaba	9/10/758041
Coorumbun g	221//548001	Awaba	9/11/758041
Awaba	221//755207	Awaba	9/12/758041
Awaba	221//844413	Awaba	9/18/758041
Coorumbun g	222//548001	Awaba	9/19/758041
Awaba	222//844413	Awaba	9/21/758041
Awaba	223//755207	Awaba	9/29/758041
Awaba	223//844413	Awaba	9/30/758041
Awaba	224//844413	Awaba	9/37/758041
Awaba	225//755207	Awaba	9/38/758041
Awaba	225//844413	Awaba	9/43/758041
Awaba	226//844413	Awaba	9/6/758041
Awaba	227//755207	Awaba	9/8/758041
Awaba	227//844413	Awaba	9/9/758041
Awaba	228//844413	Awaba	91//755207
Awaba	229//844413	Awaba	91//825387
Awaba	23//835633	Awaba	92//755207
Awaba	230//755207	Awaba	92//825387
Awaba	230//844413	Awaba	93//755207
Awaba	231//755207	Coorumbun g	94//755218
Awaba	231//844413	Awaba	94//755207
Awaba	232//844413	Awaba	95//755207
Awaba	233//844413	Awaba	95//755218
Awaba	234//844413	Awaba	96//755207
Awaba	235//844413	Awaba	97//755207
Awaba	236//844413	Awaba	98//755207
Awaba	237//844413	Coorumbun g	98//755218
Awaba	238//844413	Awaba	99//755207
Awaba	239//844413	Awaba	A//357869
Awaba	240//844413	Awaba	A//361988
Awaba	241//844413	Awaba	A//371352
Awaba	242//844413	Awaba	B//357869
Awaba	243//844413	Awaba	B//361988

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	244//844413	Awaba	B//371352
Awaba	245//844413	Awaba	PT229//755207
Awaba	246//844413	Awaba	Lot 176 DP 755207
Awaba	247//844413	Awaba	Lot 177 DP 755207
Awaba	248//755207	Awaba	Lot 2 DP 835261
Awaba	248//844413	Coorumbun g	Lot 20 DP755218
Awaba	249//844413	Coorumbun g	Lot 21 DP755218
Awaba	25//835633	Awaba	Lot 214 DP 755207
Awaba	250//844413	Awaba	Lot 215 DP 755207
Awaba	251//844413	Awaba	Lot 24 DP 835633
Awaba	26//835633	Awaba	Lot 24 DP 835633
Awaba	266//755207	Awaba	Lot 24 DP 835633
Awaba	27//835633	Awaba	Lot 343 DP 844413
Awaba	277//755207	Awaba	Lot 343 DP 857889
Awaba	281//755207	Awaba	Lot 4 DP 835261
Awaba	292//755207	Awaba	Lot 5 DP 835261
Awaba	3//239629	Awaba	Lot 6 DP 816725
Awaba	3//516039	Awaba	Lot 6 DP 835261
Coorumbun g	3//815846	Awaba	Lot 7 DP 816725
Awaba	3//835263	Awaba	Lot 7 DP 835261
Awaba	3/10/758041	Coorumbun g	Lot 77 DP755218
Awaba	3/11/758041	Awaba	Lot 8 DP 371352
Awaba	3/12/758041	Awaba	Lot 8 DP 816725
Awaba	3/18/758041	Awaba	Lot 8 DP 835261
Awaba	3/2/758041	Awaba	Lot 9 DP 835261
Awaba	3/21/758041	Awaba	Lot 7 DP786733 Lot 13 DP738276 Lot 6 DP 263841
Awaba	3/28/758041	Coorumbun g	Ms Mait 2624 MS 3070
Awaba	3/29/758041	Awaba	Part Lot PTC DP 381399
Awaba	3/30/758041	Awaba	Plantation R19447

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
Awaba	3/34/758041	Awaba	Portion of Awaba State Forest
Awaba	3/37/758041	Coorumbung	Portion of Awaba State Forest
Awaba	3/38/758041	Awaba	Pt Lot PT3 Sec19 DP758041
Awaba	3/43/758041	Awaba	Public Recreation LMCC R19451
Awaba	3/6/758041	Awaba	Public Recreation R19452
Awaba	3/8/758041	Awaba	Public Recreation R19452
Awaba	3/9/758041	Awaba	R170005 for Future Public Requirements
Awaba	301//755207	Awaba	R170007 for Future Public Requirements (mining)
Awaba	301//857889	Awaba	R170042 Rubbish Depot
Awaba	302//857889	Awaba	R19438 for Drainage
Awaba	303//857889	Awaba	R19439 Drainage
Awaba	304//857889	Awaba	R19440 Drainage LMCC
Awaba	305//857889	Awaba	R19441 Drainage LMCC
Awaba	306//857889	Awaba	R19442 Drainage
Awaba	307//857889	Awaba	R19443 Drainage LMCC
Awaba	308//857889	Awaba	R19445
Awaba	309//857889	Awaba	R19453 for Trig Purposes
Awaba	31//557456	Awaba	R71623 for Future Public Requirements
Awaba	31//858764	Awaba	R81949 for Future Public Requirements
Awaba	310//857889	Awaba	R88207 for Future Public

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
			Requirements
Awaba	311//857889	Coorumbun g	R93519 for Future Public Requirements
Awaba	312//857889	Awaba	R93626 for Future Public Requirements
Awaba	313//857889	Coorumbun g	R96402 for Public Recreation LMCC Trust Managers
Awaba	314//857889	Awaba	Reserve for Drainage
Awaba	315//857889	Awaba	Reserve for Public Building R19449
Awaba	316//857889	Awaba	Reserve for Public Buildings R19448
Awaba	317//857889	Awaba	Reserve for Public Buildings R19450
Awaba	318//857889	Awaba	Sidings on Main Northern Railway
Awaba	319//857889	Awaba	Unreserved Crown Land
Awaba	32//557456	Awaba	Crown Land Acquired for Public School
Awaba	32//835633	Awaba	Crown Land Appropriated for Railway Sidings
Awaba	32//858764	Awaba	Crown Land Vested in Land Commission NSW
Awaba	320//857889	Awaba	Crown Land Vested in LMCC
Awaba	321//857889	Awaba	Dedicated to Public School
Awaba	322//857889	Awaba	Easement for Transmission Line
Awaba	323//857889	Coorumbun g	Easement for Transmission Line
Awaba	324//857889	Awaba	Future Public

LEA Area			
Parish	Portion / Lot No	Parish	Portion / Lot No
			Requirements R72649
Awaba	325//857889	Awaba	Literary Institute R52164
Awaba	326//857889	Awaba	328//857889
Awaba	327//857889		

Modification to Development Consent 2007			
Parish	Portion / Lot No	Parish	Portion / Lot No
Longwall Panel 24			
Awaba	Lot 17 DP 755218	Awaba	Lot 94 DP 755218
Awaba	Lot 18 DP 755218	Awaba	Lot 95 DP 755218
Awaba	Lot 54 DP 755218	Awaba	Lot 96 DP 755218
Awaba	Lot 91 DP 755218	Awaba	Lot 98 DP 755218
Awaba	Lot 93 DP 755218		
Ventilation Shaft Relocation			
Awaba	Lot 5 DP 816752	Awaba	Lot 7 DP 239629
Awaba	Lot 6 DP 816752	Awaba	Lot 9 DP 239629
Awaba	Lot 7 DP 816752	Awaba	Lot 10 DP 239629
Awaba	Lot 3 DP 239629	Awaba	Lot 212 DP 755207
Awaba	Lot 4 DP 239629	Awaba	Lot 213 DP 755207
Awaba	Lot 5 DP 239629	Awaba	Lot 216 DP 755207
Awaba	Lot 6 DP 239629	Awaba	Lot 231 DP 755207

APPENDIX 2

DA Area Map

